

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

FILED
United States Court of Appeals
Tenth Circuit

May 2, 2017

Elisabeth A. Shumaker
Clerk of Court

STATE OF WYOMING,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

No. 14-9529

No. 14-9530

Respondents.

STATE OF WYOMING, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

BASIN ELECTRIC POWER
COOPERATIVE,

Petitioner,

v.

No. 14-9533

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

PACIFICORP,

Petitioner,

v.

No. 14-9534

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, et al.,

Respondents.

POWDER RIVER BASIN RESOURCE
COUNCIL, et al.,

Intervenors.

WYOMING COUNTY
COMMISSIONERS ASSOCIATION, et
al.,

Amici Curiae.

ORDER

These matters are before the court on a *Motion by the State of Wyoming, Basin Electric Power Cooperative, and PacifiCorp to Abate Proceedings Pending Settlement Process*. The State of Wyoming, Basin Electric Power Cooperative (Basin Electric), and the United States Environmental Protection Agency (EPA) (collectively, the settling parties), previously moved to abate Basin Electric's entire petition for review (No. 14-

9533), and the claims in Wyoming's petition for review (No. 14-9529) that are specific to the Laramie River Units due to a tentative settlement pertaining to Basin Electric's Laramie River facility. Wyoming, Basin Electric, and PacifiCorp now move to abate all four of these consolidated petitions for review pending final action by the EPA on the tentative settlement. The Conservation Organizations oppose this motion.

Within 10 days from the date of this order, the Conservation Organizations shall file a response to the motion to abate all four proceedings. In addition, the court notes that neither motion specifically identifies the position of intervenors Idaho Power, the American Coalition for Clean Coal Electricity (ACCCE), and Arch Coal, Inc., with regard to abatement. Accordingly, Idaho Power, ACCCE, and Arch Coal, shall also respond within 10 days from the date of this order.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Jane K. Castro", with a long horizontal line extending from the end of the signature.

by: Jane K. Castro
Counsel to the Clerk